

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-07-00462-1 (JCS)

Plaintiff(s),

v.

**ORDER FOR PRETRIAL PREPARATION  
FOR CRIMINAL BENCH TRIAL**

WILLIAM SPIKER,

Defendant(s).

Following the Status Conference held on September 14, 2007, at 10:30 a.m., IT IS HEREBY  
ORDERED THAT:

1. TRIAL DATE

a. Trial by the Court will begin on **November 13, 2007 at 8:30 a.m.**, in  
Courtroom A, 15th Floor, 450 Golden Gate Avenue, San Francisco,  
California.

b. The length of the trial shall be not more than one (1) day.

2. DISCOVERY

a. Both sides will comply with the Federal Rules of Criminal Procedure, and the  
United States will comply with *Brady v. Maryland*, 373 U.S. 83 (1963),  
*Giglio v. United States*, 405 U.S. 150 (1972), and *United States v. Agurs*, 427  
U.S. 97 (1976).

3. Not less than two (2) weeks before the trial, the parties shall complete the following:

1) Serve and file a pretrial statement pursuant to Crim. L.R. 17.1-1(b).

- 1 (a) A description of each offense charged in the case.
- 2 (b) A description of all of the relevant facts upon which the parties
- 3 agree.
- 4 (c) A description of all of the relevant facts upon which the parties
- 5 disagree.
- 6 (d) A description of the law applicable to each alleged offense,
- 7 including, but not limited to, a listing of the elements of each
- 8 alleged offense and affirmative defense and any instructions
- 9 that the Court should consider in reaching a decision in the
- 10 case.
- 11 (e) Points of law on any other issues relevant to the trial, including
- 12 all foreseeable procedural and evidentiary issues.
- 13 3) Serve and file any motions in limine.
- 14 4) Serve and file a numerical list of each party's exhibits, including a
- 15 brief statement describing the substance and purpose of each exhibit
- 16 and the name of the sponsoring witness.
- 17 5) Serve and file a list of the witnesses that each party intends to call at
- 18 the trial, not including rebuttal witnesses, setting forth for each witness
- 19 the substance of their testimony.
- 20 6) Exchange exhibits, which shall be **pre-marked** (plaintiff shall use
- 21 numbers; defendant shall use non-duplicative consecutive numbers as
- 22 agreed in advance) and **tabbed**.
- 23 7) Deliver three (3) sets of all pre-marked exhibits to chambers (exhibits
- 24 are not to be filed). Chambers' copies are to be 3-hole punched at the
- 25 side suitable for insertion into standard binders.
- 26 4. Not less than one (1) week prior to the Trial, the parties shall:
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- a. Serve and file any objections to the opposing party's witnesses or to the exhibits on the opposing party's exhibit list, setting forth a detailed basis for each objection.
- b. Serve and file any opposition to any motion in limine (there shall be no reply briefs).

5. No party shall be permitted to call any witness (other than calling Defendant as a witness in his case) or offer any exhibit in their case in chief that is not disclosed pursuant to this Pretrial Order, without leave of Court for good cause shown.

6. All documents filed with the Clerk of the Court shall list the civil case number filed only by the initials "JCS." One copy must be clearly marked as a chambers copy.

IT IS SO ORDERED.

DATED: September 18, 2007

  
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JOSEPH C. SPERO  
United States Magistrate Judge